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12 *Lead Counsel for Plaintiffs and the Proposed  
13 Class*

14 **UNITED STATES DISTRICT COURT**

15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 **In re Bank of America Corp. Auction Rate  
17 Securities Marketing Litigation**

18 This Document Relates to:

19 *Bondar v. Bank of America Corp., et al.*

20 No. C 08-2599 (JSW)

21 ) **MDL No. 09-2014 (JSW)**  
22 )  
23 ) **LEAD PLAINTIFFS' NOTICE OF  
24 VOLUNTARY DISMISSAL WITHOUT  
25 PREJUDICE PURSUANT TO FED. R.  
26 CIV. P. 41(a)(1)**  
27 ) Date: n/a  
28 ) Time: n/a  
29 ) Before the Honorable Jeffrey S. White

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Lead Plaintiffs N.R. Hamm Quarry, Inc. and Ed O’Gara (collectively, “Lead Plaintiffs”) hereby give notice of their voluntary dismissal of this action without prejudice.

In light of this voluntary dismissal without prejudice and in response to the Court's December 16, 2011 order to show cause (Dkt. Nos. 179, 180), Plaintiffs believe that a status conference is not necessary.

Dated: January 4, 2012  
Respectfully submitted,  
**GIRARD GIBBS LLP**

By: /s/ Jonathan K. Levine  
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## **Lead Counsel for Plaintiffs**

**CERTIFICATE OF SERVICE**

I, Jonathan K. Levine, hereby certify that on January 4, 2012, I caused the foregoing document to be filed electronically with the United States District Court for the Northern District of California through the Court's mandated ECF service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I further certify that I caused this document to be forwarded to the following designated Internet site at: <http://securities.stanford.edu/>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of January, 2012 at San Francisco, California.

*/s/ Jonathan K. Levine*